

REMARKS

As a preliminary, Applicants and Applicants' representative thank the Examiner for the personal interview held on July 2, 2003.

During the interview, no exhibits were shown and no demonstration conducted. All claims were generally discussed. References of record, Yamaoka and Isamu, were generally discussed. No substantive amendment was discussed. Applicants' representative explained that selecting norbornene-based resin film with specified adhesive force was not easy because the prior art did not discuss or attempt to solve adhesion problems of norbornene-based resin for use in optical compensating film. Options to address the stated obviousness rejections, including possible affidavits from inventors, were generally discussed. No agreement was reached.

Claims 1-14 are pending in the present application. Independent claim 1 is directed to an optical compensating film, claims 2-7 depend on claim 1, independent claim 8 is directed to a polarizing plate, independent claim 9 is directed to a liquid crystal display, independent claim 10 is directed to a method for producing an optical compensating film, and claims 11-14 depend on claim 10.

First, in the Office Action, a certified copy of the priority application is requested.

Applicants submit that priority of the prior Japanese application listed in the inventors' Declaration filed with the application is not claimed in this U.S. application, as indicated in the Declaration.

Next, in the Office Action, claims 1-2, 6, 8-10 and 13 are rejected under 35 U.S.C. 103(a) as obvious over US 6,417,904 (Yamaoka) in view of JP 09-151627 (Isamu). Also under 35 U.S.C. 103(a), claims 3-4 and 11 are rejected as obvious over Yamaoka in view of Isamu, further in view of US 6,475,714 (Arimoto), claims 5 and 12 are rejected as obvious over Yamaoka in view of Isamu, further in view of US 4,292,370 (Pekko), and claims 7 and 14 are rejected as obvious over Yamaoka in view of Isamu, further in view of WO 92/22002 (Hani).

The rejections are respectfully traversed. It is submitted that the cited references fail to establish a prima facie case of obviousness, at least because (i) Yamaoka does not teach or suggest the use of a stretched norbornene-based resin film as a compensating film, (ii) accordingly, Yamaoka does not teach or suggest that adhesive force should be controlled at a predetermined level, and (iii) Isamu concerns a peelable plastic film on a steel substrate and does not provide any motivation to modify the teachings of Yamaoka.

Generally, Applicants wish to explain that, as indicated in the first pages of the present specification, the problem of insufficient adhesion has prevented in the past any practical use of a norbornene-based resin film as an optical compensating film. The present inventors are the first to have secured successfully a predetermined level of adhesive force for a norbornene-based resin film, which has made it possible for the first time to solve the adhesion problem and devise a practical use of this film as an optical compensating film.

Thus, Yamaoka does not disclose a norbornene-based resin compensating film, as alleged in the Office Action, but an optically compensatory laminate 1 comprising (i) a transparent film

base 12, and (ii) a birefringent phase retarder layer 12, adhesively supported on the transparent film base 12. Further, Yamaoka teaches that the base 12 may be made of a norbornene polymer (see Yamaoka from col. 3, lines 60 to col. 4, line 9), and that the retarder layer may be made of liquid crystal (Yamaoka at col. 4, lines 21-34).

In other words, Yamaoka teaches that a compensating film is made of liquid crystal and a transparent film is made of norbornene polymer, but is completely silent as to a norbornene-based resin compensating film. Therefore, Yamaoka fails to teach or suggest using a norbornene-based resin in an optical compensating film.

Further, in Yamaoka, the base 11 and layer 12 are adhered directly or through an adhesive (see col. 4, lines 36-39). The base 11 and layer 12 can also be bonded to a polarizing plate 3 through an adhesive layer 2, for example, an acrylic adhesive agent (see col. 5, lines 32-46), and a similar adhesive layer 4 can also be provided for bonding the optically compensatory film to a liquid crystal cell (see col. 5, line 63 to col. 6, line 6). Yamaoka does not discuss the adhesives or adhesive strengths in details.

Thus, Yamaoka does not disclose that the surface of a norbornene-based resin layer having an ability to optically compensate has such a weak adhesive force that it is essential to set the adhesive force at an elevated level. For example, Yamaoka does not disclose any surface treatment, such as a corona discharge treatment, to increase adhesive force of a norbornene-based resin film.

In summary, Yamaoka fails to teach or suggest (i) the use of stretched norbornene-based resin to make an optical compensating film, and (ii) the problem of insufficient adhesion when such film is used. Rather, Yamaoka avoids the issue of norbornene-based resin compensating films entirely, because Yamaoka uses liquid crystal, a material completely different from stretched norbornene-based resin, for its compensating film.

As a result, based on Yamaoka alone, there would have been no motivation for a person of ordinary skill in the art to use or even experiment with stretched norbornene-based resin film as compensating film, let alone to control the adhesion properties of such film.

Further, Isamu discloses an adhesive layer 12 between an opaque plastic film 11 and a galvanized sheet iron, which has an adhesive force of between 0.2 and 10.0 N/20mm so that "the galvanized sheet iron can be peeled off easily from a shroud" (English abstract, two last lines before last). Thus, Isamu's technical area, purpose and objective are very different from those in the present invention: opaque layers instead of optical layers, adhesion between an adhesive layer and an iron sheet instead of adhesion between an adhesive layer and a norbornene-based layer, and peeling facilitation instead of peeling resistance.

A complete English translation of Isamu is submitted concurrently herewith to confirm that Isamu concerns a completely different field of endeavor from optical members.

In summary, Isamu does not disclose any stretched norbornene-based resin film, and Isamu does not disclose that the surface of the stretched norbornene-based resin film has a weak adhesive force, which may be increased, for example, by a surface treatment. Thus, Isamu fails to provide

any teaching or suggestion to modify the construction of Yamaoka, which does not use stretched norbornene-based resin film for an optical compensating film.

In contrast, the present inventors have discovered that, if adhesive force between an adhesive layer and a stretched norbornene-based resin film is set at a predetermined level, for example, by a surface treatment, the durability of the film is excellent and no peeling occurs, so that an optical compensating film with advantageous properties can be obtained (see in particular Table 1 on page 15 of the present specification). Based on the prior art knowledge, it is completely unexpected that adhesive force of a norbornene-based resin film can be used for an optical compensating film because of improved adhesive properties. In particular, this feature and its advantages are not taught or suggested in Yamaoka, and Isamu and the other cited references fail to remedy the deficiencies of Yamaoka. Therefore, the present claims are not obvious over the cited references taken alone or in any combination.

In view of the above, it is submitted that the rejections should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

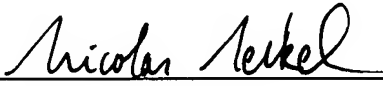
Serial Number: 10/006,790

Group Art Unit: 2871

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 01-2340.

Respectfully submitted,

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Encl.: Isamu Translation
Petition for One-Month Extension of Time